

Excerpts from:

Robert T. Stafford
Disaster Relief and
Emergency Assistance Act,
P.L. 93-288 as amended



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HAZARD MITIGATION
(42 U.S.C. '5170,c)

Sec. 404.(a) In General. The President may contribute up to 75 percent of the cost of hazard mitigation measures which the President has determined are cost-effective and which substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures shall be identified following the evaluation of natural hazards under section 409 and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed 15 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this Act with respect to the major disaster.

(b) Property Acquisition and Relocation Assistance.

(1) General Authority. In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects that meet the requirements of paragraph (2).

(2) Terms and Conditions. An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if -

(A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a); and

(B) on or after the date of enactment of this subsection, the applicant for the assistance enters into an agreement with the Director that provides assurances that -

(i) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for use that is compatible with open space, recreational, or wetlands management practices;

(ii) no new structures will be erected on property acquired, accepted or from which a structure was remove, under the acquisition or relocation program other than-

(I) a public facility that is open on all sides and functionally related to a designated open space;

(II) a rest room; or

(III) a structure that a Director approves in writing before the commencement of construction of the structure; and

- (iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program -
 - (I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and
 - (II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.
- (3) Statutory Construction. Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on the day before the date of enactment of this subsection.

MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES (42 U.S.C. '5176)

Sec. 409. As a condition of any disaster loan or grant made under the provisions of this Act the recipient shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards, and shall furnish such evidence or compliance with this section as may be required by regulation. As a further condition of any loan or grant made under the provisions of this Act, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated and appropriate action shall be taken to mitigate such hazards, including safe land use and construction practices, in accordance with standards prescribed or approved by the President after adequate consultation with the appropriate elected officials or general purpose local governments, and the State shall furnish such evidence of compliance with this section as may be required by regulation.